

REMARKS

Applicants request favorable reconsideration and withdrawal of the rejections set forth in the above-noted Office Action in view of the foregoing amendments and the following remarks.

Claims 1 and 3-9 are now pending, with claims 1 and 9 being independent claims. Claim 2 has been cancelled without prejudice or disclaimer of subject matter. Claim 9 is new. Claim 1 has been amended. Support for the new claim and amendment can be found throughout the originally-filed disclosure, including, for example, in the originally-filed claims, as well as in Figure 15 and its corresponding description in the specification. Accordingly, Applicants submit that the new claim and amendments do not include new matter.

Claims 1-8 are rejected in the Office Action 35 U.S.C. § 101 as being directed to non-statutory subject matter.

In response, Applicants have amended independent claim 1 so as to clarify the statutory subject matter of the invention. Specifically, independent claim 1 is now tied to the statutory class of inventions of machines through the recitation that user financial information is received in a first computer system from a second computer system connected to the first computer system by a network, and by the recitation that the recommendation is generated by the first computer system. Accordingly, Applicants submit that the claims are now clearly directed to statutory subject matter, and that the Section 101 rejection should be withdrawn.

Additionally, with respect to the claims 6 and 7, the Office Action asserts that these claims utilize signals, and that signals are not statutory subject matter and cannot be claimed.

Applicants traverse this portion of the Section 101 rejection. Applicants acknowledge that the devices recited in claims 6 and 7 may be configured to utilize signals. And while Applicants are aware of case law, such as In re Nuijten, 500 F.3d 1346 (Fed Cir. 2007), that

indicates that a signal itself is not statutory subject matter (e.g., a claim directed only to a signal that comprises information is not statutory subject matter), Applicants are unaware of any authority that stands for the proposition that claims including features of devices that utilize signals are improper. Accordingly, if the rejection is to be maintained, Applicants request the Office provide specific citation to authority, i.e., case law or the MPEP, for the proposition that features directed to a device that utilizes a signal cannot be claimed.

Claims 1-6 are rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Vetter (U.S. Patent No. 5,716,211) in view of King, Jr. et al. (U.S. Patent No. 5,319,542). Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Vetter in view of Hardgrave (U.S. Patent No. 6,010,239). Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Vetter in view of Foladare (U.S. Patent No. 5,914,472).

Applicants respectfully traverse the rejections and submit that the claimed invention is patentably distinguishable from the cited references for at least the following reasons.

Independent claims 1 and 9 recite a method of allocating income to a user savings account and to payees and monitoring a consumer's purchasing activity. The method comprises several steps, including receiving, in a first computer system, user income information related to user income and user debt information related to existing user debts to payees, providing a recommendation that includes suggestions for minimizing user debt payments and maximizing user savings, establishing a payment hierarchy based at least in part of the recommendation, transferring a portion of user income based at least in part upon the payment hierarchy to the user savings account and to at least one payee, and reconciling budget information with purchase data.

The claimed features can, for example, encourage a user to increase their savings prior to paying all or a portion of their debts, while reducing the user's bill payment fears and discourage the idea of paying the entire amount of bills or debts first. See, e.g., paragraph 0004 of the specification. At the same time, a synergy is achieved through the inclusion of the features directed to the reconciliation of budget information with purchase information, which may aid the user even further in the goal of increasing their savings.

The Office Action cites Vetter as disclosing several features of the invention. In Applicants' view, Vetter is directed to an educational savings bank with separate monetary input and storage locations that correspond to different budgetary categories. See, e.g., col. 1, lines 6-10. Essentially, Vetter is a children's "piggy bank" that includes different compartments for different savings goals, such as savings for retirement, a home, and college. See, e.g., Fig. 1. Vetter's piggy bank further includes a calculation system that calculates, for example, one or more selected percentages of a given investment amount for allocation to the various budgetary categories. See, e.g., col. 2, lines 41-51.

Applicants respectfully traverse several of the factual findings in the Office Action with respect to Vetter disclosing features of the invention. Initially, Applicants submit that as Vetter is merely a children's piggy bank, the reference does not include any disclosure that suggests receiving "user debt information related to existing user debts to payees," as recited in independent claims 1 and 9. As noted above, the different budgetary categories in the piggy bank of Vetter represent different savings goals for future investments. See, e.g., col. 4, lines 6-22. The budgetary categories do not represent existing debts to payees, and nothing about Vetter's piggy bank suggests that the categories should be applied to debts to payees.

Given that Vetter does not include any features related to receiving user debt information for existing user debts to payees, Applicants submit that the reference also cannot be understood to disclose or suggest several other features recited in independent claims 1 and 9. For example, Vetter does not include providing a recommendation that includes a suggestion for minimizing user debt payments and maximizing user savings, as recited in independent claims 1 and 9. As another example, Vetter cannot be understood to disclose or suggest establishing a payment hierarchy that includes at least a portion of user income allocated to a user savings account and a portion of user income allocated to existing user debts, as well as transferring at least a portion of user income based on the payment hierarchy to the user savings account and the payee, as also recited in independent claims 1 and 9. In this regard, Vetter's piggy bank is exclusively a savings device, and as such, any discussion in the reference of a user's income is necessarily directed to savings, not payment of debts to payees.

Applicants additionally note that in setting forth the rejection, the Office Action cites to "column 2 and 3 generally" of Vetter as disclosing several of the features of the claims. Applicants have reviewed this portion of the reference, and do not understand these passages to suggest the features of the invention related to a user's debt to payees. Instead, as noted above, Applicants only understand Vetter to disclose a savings device. Accordingly, if the rejection is maintained, Applicants kindly request clarification as to the specific passages of the reference that are being interpreted as disclosing the features of the claimed invention.

Applicants also traverse the Office Action's assertion that features of the claimed invention would have been obvious in view of the combination of Vetter and King, Jr. et al. In this regard, the Office Action appears to acknowledge that Vetter does not disclose uploading purchase data, including a retailer item identifier from a retailer system, accessing a remote

processor to standardize the purchase data to correlate a budgeted item with an actually purchased item, and reconciling the budget information. For these features, the Office Action cites King, Jr. et al., and asserts that it would have been obvious to modify Vetter with the teachings of King, Jr. et al. because using a budgeting system with real world data would provide a better method of allocating and understanding one's budget.

Applicants respectfully submit, however, that any modification of Vetter with the teachings of King, Jr. et al. would only be seen as "obvious" with the foreknowledge of the present application, and that one of ordinary skill in the art would not look to modify Vetter as set forth in the rejection based merely on teachings of the references themselves. As noted above, Vetter is directed to a piggy bank intended to educate children about savings. King, Jr. et al., on the other hand, is directed to an electronic catalog requisition system and method that uses a computer network architecture for facilitating the ordering of items from suppliers. See, e.g., Fig. 4; col. 1, lines 8-11; col. 6, line 31 - col. 7, line 3. In essence, the rejection asserts that one of ordinary skill in the art would find it obvious to modify the children's piggy bank of Vetter with the computer network architecture of King, Jr. et al. in order to provide a better understanding of budgeting. Applicants respectfully submit that the art of children's savings toys (Vetter) and computer network cataloging systems (King, Jr. et al.) are not remotely related. Accordingly, assuming that the piggy bank of Vetter could somehow be modified with the computer architecture of King Jr., et al. in the first place, the mere idea of providing "better budgeting information" is not so great as to have led one of ordinary skill in the art to modify Vetter in a manner that results in the invention recited in independent claims 1 and 9.

Thus, for at least the foregoing reasons, Applicants submit that the invention recited in independent claims 1 and 9 is patentably distinguishable from Vetter and King, Jr. et al.

Applicants further submit that the secondary citations to Hardgrave and Foladare fail to cure the above noted deficiencies in Vetter and King, Jr. et al. Hardgrave and Foladare are cited in the Office Action as disclosing features of the dependent claims. Applicants submit, however, that Hardgrave and Foladare fail to disclose or suggest the features of independent claim 1 that Vetter and King, Jr. et al. do not disclose, as discussed above.

Thus, Applicants submit that the present application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the Office Action, and a Notice of Allowability are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. Office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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